

House File 2334 - Introduced

HOUSE FILE 2334
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 503)

A BILL FOR

- 1 An Act relating to prescription authority for certain
- 2 psychologists and making penalties applicable.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.3, subsection 35, Code 2016, is
2 amended to read as follows:

3 35. "*Pharmacy*" means a drug store in which drugs and
4 medicines are exposed for sale and sold at retail, or in which
5 prescriptions of licensed physicians and surgeons, dentists,
6 prescribing psychologists, or veterinarians are compounded and
7 sold by a registered pharmacist.

8 Sec. 2. Section 124.101, subsection 26, paragraph a, Code
9 2016, is amended to read as follows:

10 a. A physician, dentist, podiatric physician, prescribing
11 psychologist, veterinarian, scientific investigator or
12 other person licensed, registered, or otherwise permitted to
13 distribute, dispense, conduct research with respect to, or to
14 administer a controlled substance in the course of professional
15 practice or research in this state.

16 Sec. 3. Section 147.107, subsections 1 and 2, Code 2016, are
17 amended to read as follows:

18 1. A person, other than a pharmacist, physician,
19 dentist, podiatric physician, prescribing psychologist, or
20 veterinarian who dispenses as an incident to the practice of
21 the practitioner's profession, shall not dispense prescription
22 drugs or controlled substances.

23 2. a. A pharmacist, physician, dentist, ~~or~~ podiatric
24 physician, or prescribing psychologist who dispenses
25 prescription drugs, including but not limited to controlled
26 substances, for human use, may delegate nonjudgmental
27 dispensing functions to staff assistants only when verification
28 of the accuracy and completeness of the dispensing is
29 determined by the pharmacist or practitioner in the
30 pharmacist's or practitioner's physical presence. However, the
31 physical presence requirement does not apply when a pharmacist
32 or practitioner is utilizing an automated dispensing system or
33 when a pharmacist is utilizing a tech-check-tech program, as
34 defined in [section 155A.3](#). When using an automated dispensing
35 system the pharmacist or practitioner shall utilize an

1 internal quality control assurance plan that ensures accuracy
2 for dispensing. When using a tech-check-tech program the
3 pharmacist shall utilize an internal quality control assurance
4 plan, in accordance with rules adopted by the board of
5 pharmacy, that ensures accuracy for dispensing. Verification
6 of automated dispensing and tech-check-tech accuracy and
7 completeness remains the responsibility of the pharmacist or
8 practitioner and shall be determined in accordance with rules
9 adopted by the board of pharmacy, the board of medicine, the
10 dental board, ~~and the board of podiatry,~~ and the board of
11 psychology for their respective licensees.

12 **b.** A dentist, physician, ~~or~~ podiatric physician, or
13 prescribing psychologist who dispenses prescription drugs,
14 other than drug samples, pursuant to [this subsection](#), shall
15 report the fact that they dispense prescription drugs with the
16 practitioner's respective board at least biennially.

17 **c.** A physician, dentist, ~~or~~ podiatric physician, or
18 prescribing psychologist who dispenses prescription drugs,
19 other than drug samples, pursuant to [this subsection](#), shall
20 offer to provide the patient with a written prescription that
21 may be dispensed from a pharmacy of the patient's choice or
22 offer to transmit the prescription orally, electronically, or
23 by facsimile in accordance with [section 155A.27](#) to a pharmacy
24 of the patient's choice.

25 **Sec. 4. NEW SECTION. 148.13A Board authority over**
26 **physicians supervising certain psychologists.**

27 The board of medicine shall establish by rule specific
28 procedures for consulting with and considering the advice of
29 the board of psychology in determining whether to initiate
30 a disciplinary proceeding under chapter 17A against a
31 licensed physician in a matter involving the supervision of a
32 psychologist prescribing medication pursuant to a conditional
33 prescription certificate under chapter 154B.

34 **Sec. 5.** Section 154B.1, Code 2016, is amended to read as
35 follows:

1 **154B.1 Definition Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the board of psychology created under
5 chapter 147.

6 2. "Collaborative practice agreement" means a written
7 agreement between a prescribing psychologist and a licensed
8 physician that establishes clinical protocols, practice
9 guidelines, and care plans relevant to the scope of the
10 collaborative practice.

11 3. "Collaborative relationship" means a cooperative
12 working relationship between a prescribing psychologist or a
13 psychologist with a conditional prescription certificate and a
14 licensed physician in the provision of patient care, including
15 diagnosis and cooperation in the management and delivery of
16 physical and mental health care.

17 4. "Conditional prescription certificate" means a document
18 issued by the board to a licensed psychologist that permits
19 the holder to prescribe psychotropic medication under the
20 supervision of a licensed physician pursuant to this chapter.

21 5. "Practice of psychology" means the application of
22 established principles of learning, motivation, perception,
23 thinking, and emotional relations to problems of behavior
24 adjustment, group relations, and behavior modification,
25 by persons trained in psychology for compensation or other
26 personal gain. The application of principles includes, but
27 is not limited to: Counseling and the use of psychological
28 remedial measures with persons, in groups or individually,
29 with adjustment or emotional problems in the areas of work,
30 family, school, and personal relationships; measuring and
31 testing personality, intelligence, aptitudes, public opinion,
32 attitudes, and skills; and the teaching of such subject matter,
33 and the conducting of research on the problems relating to
34 human behavior.

35 6. "Prescribing psychologist" means a licensed psychologist

1 who holds a valid prescription certificate.

2 7. "Prescription certificate" means a document issued by the
3 board to a licensed psychologist that permits the holder to
4 prescribe psychotropic medication pursuant to this chapter.

5 8. "Psychotropic medication" means a controlled substance
6 or dangerous drug that shall not be dispensed or administered
7 without a prescription and that has been approved by the
8 federal food and drug administration for the treatment of
9 mental disorders, as defined by the most current diagnostic
10 and statistical manual of mental disorders published by the
11 American psychiatric association or the most current version
12 of the international classification of diseases, and that is
13 listed as a psychotherapeutic agent in the American hospital
14 formulary service. "Psychotropic medication" does not include
15 narcotics.

16 Sec. 6. NEW SECTION. 154B.9 Drugs — medicine.

17 1. Except as provided in subsections 2 and 3, a psychologist
18 shall not administer or prescribe drugs or medicine.

19 2. A licensed psychologist holding a conditional
20 prescription certificate may prescribe psychotropic medication
21 under the supervision of a licensed physician pursuant to this
22 chapter.

23 3. A prescribing psychologist may prescribe psychotropic
24 medication pursuant to this chapter.

25 Sec. 7. NEW SECTION. 154B.10 Conditional prescription
26 certificate.

27 1. An applicant for a conditional prescription certificate
28 shall be granted a certificate by the board if the applicant
29 satisfies all of the following requirements:

30 a. Holds a current license to practice psychology in this
31 state.

32 b. Completed pharmacological training from an institution
33 approved by the board or from a provider of continuing
34 education approved by the board.

35 c. Passed a national certification examination approved by

1 the board that tested the applicant's knowledge of pharmacology
2 in the diagnosis, care, and treatment of mental disorders.

3 *d.* Within five years immediately preceding the date of
4 application, successfully completed an organized program of
5 education consisting of intensive didactic instruction of no
6 fewer than four hundred fifty classroom hours in at least the
7 following core areas of instruction:

8 (1) Neuroscience.

9 (2) Pharmacology.

10 (3) Psychopharmacology.

11 (4) Physiology.

12 (5) Appropriate and relevant physical and laboratory
13 assessment.

14 *e.* Within five years immediately preceding the date of
15 application, has been certified by the applicant's supervising
16 psychiatrist or physician as having successfully completed
17 a supervised and relevant clinical experience of no less
18 than an eighty-hour practicum in clinical assessment and
19 pathophysiology and an additional supervised practicum of at
20 least four hundred hours treating no fewer than one hundred
21 patients with mental disorders. The practica shall have been
22 supervised by a psychiatrist or other appropriately trained
23 physician. The board shall determine whether the practica is
24 sufficient to competently train the applicant in the treatment
25 of a diverse patient population.

26 *f.* Possesses malpractice insurance that will cover the
27 applicant during the period the conditional prescription
28 certificate is in effect.

29 *g.* Meets all other requirements, as determined by rules
30 adopted by the board, for obtaining a conditional prescription
31 certificate.

32 2. A conditional prescription certificate is valid for four
33 years, at the end of which the holder may apply again pursuant
34 to the provisions of subsection 1.

35 3. A psychologist with a conditional prescription

1 certificate may prescribe psychotropic medication under the
2 supervision of a licensed physician subject to all of the
3 following conditions:

4 *a.* The psychologist shall continue to hold a current license
5 to practice psychology in this state and continue to maintain
6 malpractice insurance.

7 *b.* The psychologist shall inform the board of the name of
8 the physician under whose supervision the psychologist will
9 prescribe psychotropic medication and promptly inform the board
10 of any change of the supervising physician.

11 *c.* A physician supervising a psychologist prescribing
12 psychotropic medication pursuant to a conditional prescription
13 certificate shall be subject to disciplinary action pursuant to
14 section 148.13A for the acts and omissions of the psychologist
15 while under the physician's supervision. This provision
16 does not relieve the psychologist from liability for the
17 psychologist's acts and omissions.

18 Sec. 8. NEW SECTION. 154B.11 **Prescription certificate.**

19 1. An applicant for a prescription certificate shall be
20 granted a certificate by the board if the applicant satisfies
21 all of the following requirements:

22 *a.* Possesses a conditional prescription certificate and has
23 successfully completed two years of prescribing psychotropic
24 medication as certified by the supervising licensed physician.

25 An applicant for a prescription certificate who specializes
26 in the psychological care of children, elderly persons, or
27 persons with comorbid psychological conditions shall complete
28 at least one year prescribing psychotropic medications to such
29 populations as certified by the supervising licensed physician.

30 *b.* Holds a current license to practice psychology in this
31 state.

32 *c.* Possesses malpractice insurance that will cover the
33 applicant as a prescribing psychologist.

34 *d.* Meets all other requirements, as determined by rules
35 adopted by the board, for obtaining a prescription certificate.

1 2. A psychologist with a prescription certificate may
2 prescribe psychotropic medication pursuant to the provisions of
3 this chapter subject to the following conditions:

4 a. The psychologist continues to hold a current license to
5 practice psychology in this state and maintains malpractice
6 insurance.

7 b. The psychologist annually satisfies the continuing
8 education requirements for prescribing psychologists, as
9 determined by the board, which shall be no fewer than twenty
10 hours each year.

11 c. The psychologist has entered into a collaborative
12 practice agreement with a licensed physician.

13 Sec. 9. NEW SECTION. 154B.12 Prescribing practices.

14 1. A prescribing psychologist or a psychologist with
15 a conditional prescription certificate may administer and
16 prescribe psychotropic medication within the scope of the
17 psychologist's profession, including the ordering and review of
18 laboratory tests in conjunction with the prescription, for the
19 treatment of mental disorders.

20 2. When prescribing psychotropic medication for a
21 patient, the prescribing psychologist or the psychologist
22 with a conditional prescription certificate shall maintain
23 an ongoing collaborative relationship with the licensed
24 physician who oversees the patient's general medical care to
25 ensure that necessary medical examinations are conducted,
26 the psychotropic medication is appropriate for the patient's
27 medical condition, and significant changes in the patient's
28 medical or psychological condition are discussed.

29 3. A prescription written by a prescribing psychologist or a
30 psychologist with a conditional prescription certificate shall
31 meet all of the following requirements:

32 a. Comply with applicable state and federal laws.

33 b. Be identified as issued by the psychologist as
34 "psychologist certified to prescribe".

35 c. Include the psychologist's board-assigned identification

1 number.

2 4. A prescribing psychologist or a psychologist with
3 a conditional prescription certificate shall not delegate
4 prescriptive authority to any other person. Records of all
5 prescriptions shall be maintained in patient records.

6 5. When authorized to prescribe controlled substances, a
7 prescribing psychologist or a psychologist with a conditional
8 prescription certificate shall file with the board in a
9 timely manner all individual federal drug enforcement agency
10 registration and numbers. The board shall maintain current
11 records on every psychologist, including federal registration
12 and numbers.

13 Sec. 10. NEW SECTION. 154B.13 Board duties regarding
14 prescription certificates and conditional prescription
15 certificates.

16 1. The board shall adopt rules providing for the
17 procedures to obtain a conditional prescription certificate,
18 a prescription certificate, and a renewal of a prescription
19 certificate. The board may set reasonable application and
20 renewal fees.

21 2. The board shall adopt rules establishing the grounds for
22 denial, suspension, or revocation of conditional prescription
23 certificates and prescription certificates, including a
24 provision for suspension or revocation of a license to practice
25 psychology upon the suspension or revocation of a certificate.

26 3. The board shall provide to the board of pharmacy an
27 annual list of prescribing psychologists and psychologists
28 with conditional prescription certificates that contains
29 the information agreed upon between the board and the board
30 of pharmacy. The board shall promptly notify the board of
31 pharmacy of psychologists who are added to or removed from the
32 list.

33 4. The board shall adopt other rules as necessary to
34 administer this chapter.

35 5. The board shall consult with the board of medicine in

1 developing rules to carry out this chapter.

2 Sec. 11. Section 155A.3, subsection 35, Code 2016, is
3 amended to read as follows:

4 35. "*Practitioner*" means a physician, dentist, podiatric
5 physician, prescribing psychologist, veterinarian, or other
6 person licensed or registered to distribute or dispense a
7 prescription drug or device in the course of professional
8 practice in this state or a person licensed by another state
9 in a health field in which, under Iowa law, licensees in this
10 state may legally prescribe drugs.

11 Sec. 12. Section 155A.23, subsection 1, paragraph c, Code
12 2016, is amended to read as follows:

13 c. For the purpose of obtaining a prescription drug or
14 device, falsely assuming the title of or claiming to be
15 a manufacturer, wholesaler, pharmacist, pharmacy owner,
16 physician, dentist, podiatric physician, prescribing
17 psychologist, veterinarian, or other authorized person.

18 Sec. 13. Section 155A.24, subsection 14, Code 2016, is
19 amended to read as follows:

20 14. **This section** does not prevent a licensed practitioner of
21 medicine, dentistry, podiatry, nursing, psychology, veterinary
22 medicine, optometry, or pharmacy from acts necessary in the
23 ethical and legal performance of the practitioner's profession.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill grants prescription authority to certain licensed
28 psychologists under Code chapter 154B.

29 The bill adds definitions of "board", "collaborative
30 practice agreement", "collaborative relationship", "conditional
31 prescription certificate", "prescribing psychologist",
32 "prescription certificate", and "psychotropic medication" to
33 the Code chapter.

34 The bill allows a licensed psychologist holding a
35 conditional prescription certificate and a prescribing

1 psychologist, defined as a licensed psychologist who holds
2 a valid prescription certificate, to prescribe psychotropic
3 medication. However, the psychologist holding a conditional
4 prescription certificate may only prescribe psychotropic
5 medication under the supervision of a licensed physician.

6 The bill sets the requirements for a psychologist to obtain
7 a conditional prescription certificate or a prescription
8 certificate. A conditional prescription certificate is
9 valid for four years and a psychologist may reapply for
10 the certificate. To receive a prescription certificate,
11 a psychologist must complete two years of prescribing
12 psychotropic medication as supervised by a licensed physician
13 and an applicant who specializes in the psychological care
14 of children, elderly persons, or persons with comorbid
15 psychological conditions shall have at least one year
16 prescribing psychotropic medications to such populations. A
17 psychologist with a prescription certificate may prescribe
18 psychotropic medication under the provisions of the bill
19 subject to certain conditions including that the psychologist
20 has entered into a collaborative practice agreement with a
21 licensed physician. The licensed physician may be subject
22 to disciplinary action for the acts and omissions of the
23 psychologist under the physician's supervision. A psychologist
24 must maintain licensure as a psychologist and malpractice
25 insurance to retain the prescription certificate or the
26 conditional prescription certificate.

27 The bill provides that a prescribing psychologist or
28 psychologist with a conditional prescription certificate may
29 administer and prescribe psychotropic medication within the
30 scope of the person's profession. The prescribing psychologist
31 or psychologist with a conditional prescription certificate
32 must maintain a relationship with the patient's licensed
33 physician when prescribing psychotropic medication for the
34 patient.

35 The bill states that a prescription written by a

1 prescribing psychologist or a psychologist with a conditional
2 prescription certificate must comply with state and federal
3 law, be identified as issued by a "psychologist certified to
4 prescribe", and include the psychologist's board-assigned
5 identification number. A prescribing psychologist or
6 psychologist with a conditional prescription certificate
7 may not delegate the prescriptive authority to any other
8 person, and records of the prescriptions must be maintained
9 in the patient's records. The prescribing psychologist or
10 psychologist with a conditional prescription certificate must
11 also file federal drug enforcement agency registrations and
12 numbers with the board.

13 The bill instructs the board of psychology in consultation
14 with the board of medicine to adopt rules providing for
15 the procedures for obtaining a conditional prescription
16 certificate, a prescription certificate, and a renewal of
17 a prescription certificate; setting reasonable application
18 and renewal fees; and regarding the denial, suspension,
19 or revocation of conditional prescription certificates and
20 prescription certificates. The board must provide the board of
21 pharmacy with an annual list of prescribing psychologists and
22 psychologists with conditional prescription certificates and
23 promptly notify the board of pharmacy of psychologists who are
24 added to or removed from the list.

25 A prescribing psychologist may be subject to criminal and
26 civil penalties and licensing sanctions under Code chapters
27 124, 147, 154B, and 155A.

28 The bill makes conforming changes in Code chapters 123, 124,
29 147, and 155A.